

San Francisco Children and Families Commission
School Readiness Initiative (SRI) -
School Readiness Team Leader for
South of Market Neighborhood/Bessie Carmichael ES
Request for Qualifications (RFQ)
RFQ #16

Contract Amount:	South of Market - \$304,080 over 3 years
Contract Period:	One year term for 3 years
Non-Mandatory Bidders Conference	August 27, 2003 (10:00 am – 12:00 noon) Location: First 5 San Francisco 1390 Market Street, Suite 318 San Francisco, CA 94102 415-934-4849
Non-Mandatory Letter of Intent	September 10, 2003 (5:00 p.m.)
Proposal Due Date:	September 18, 2003 (5:00 p.m.)
Contact Person:	Camilo Otero Program Officer 415-557-6854 or 934-4849

Introduction

In November 1998, the voters of California passed Proposition 10, the California Children and Families Act of 1998, the “Act.” Funded from additional excise taxes imposed on tobacco products, the Act is directed to promoting, supporting, and improving the early development of children from the prenatal stage to five years of age. The Act facilitates the creation and implementation of comprehensive and collaborative systems and services to enhance optimal early childhood development. It emphasizes local decision making to provide for greater flexibility and access to services.

The Proposition 10 funds are administered at the state level by the California Children and Families Commission (First 5 California) and at the county level by county children and families commissions appointed by local boards of supervisors. Before county commissions can allocate these funds, they must adopt comprehensive strategic plans consistent with the intent of the Act.

The San Francisco Children and Families Commission (SFCFC)

In accordance with provisions of the Act, the San Francisco Board of Supervisors appointed the nine Commissioners on the San Francisco Children and Families Commission (First 5 San Francisco) in May 1999. They reflect San Francisco's diverse population, its well-developed child health and development sector, and its commitment to public-private partnership in planning and implementation of complex public policy.

The mission of the San Francisco Children and Families Commission is to instill an enduring obligation in San Francisco residents and government to ensure the opportunity for optimal health and development for every child born and raised in this county. This means a commitment to support young children and their families from prenatal to five years of age through abundant opportunities to be healthy, learn, and grow. Children will reach their full potential. Families will be empowered and engaged civic partners in the work of the Commission. The Commission funds activities in the areas of child and family health, family support and parent education, early childhood education, and children with special needs (i.e., children with disabilities and homeless children).

Copies of the Strategic Plan can be located on the Commission's website www.sfkids.org, or by calling (415) 934-4849.

Agencies may learn more about First 5 San Francisco's School Readiness Initiative by visiting the Commission's website (www.sfkids.org).

Scope of Services

The purpose of this RFQ is to identify an agency to deliver school readiness services to two overlapping target populations:

1. Children (0-5 years old) and their families living in the South of Market neighborhood; and,
2. Children (4-5 years old) and their families transitioning into kindergarten at Bessie Carmichael ES, including children living outside the South of Market neighborhood.

With this project the Commission seeks to achieve the following objective:

- Children are well prepared for entry into schools and schools are ready to help them make that transition.

Commission funds will support the creation of one new position - a **School Readiness Team Leader (SRTL)**.

The School Readiness Team Leader will serve as the primary neighborhood contact for the SRI. The SRI Team Leader will be responsible for managing and monitoring essential components of the SRI. In addition, SRI staff in the South of Market will be expected to work cooperatively with other SRI staff, at the Commission and at other agencies, including SFUSD, the Department of Public Health, and other service agencies. To support neighborhood SRI staff, the Commission's School Readiness Coordinator will convene regular meetings to provide technical assistance, as needed. On behalf of the neighborhoods participating in the SRI, Team Leaders will link children (0-5) and their families to appropriate support services to improve children's and their families' readiness for school.

Core Services

Proposals must include a work plan describing how the SRI Team Leader will implement the following activities.

- **Outreach to incoming kindergarten student families**
Offer individual and group outreach services to incoming kindergarten families enrolled at Bessie Carmichael ES. The purpose of this activity is to address any issues impacting children's and their families' readiness for kindergarten.

Provide information, referral and follow-up services to families, as needed. If appropriate, Team Leader may remain in contact with families through the fall semester of the kindergarten year.

Assist SRI partner school and SFUSD with family-oriented enrollment activities.

Collaborate with neighborhood-based early care and education providers to ensure that families receive appropriate supports as they transition into kindergarten.

Remain in contact with new Kindergarten families through the first semester of the new school year, as needed.

- **School Readiness Workshops – Kindergarten Readiness Workshops**

Develop and conduct a minimum of 5 parent education workshops each spring and summer to promote a developmentally appropriate orientation to kindergarten.

These workshops will be targeted to families whose children (4-5 years old) are enrolled into kindergarten at Bessie Carmichael ES.

- **School Readiness for the Community Workshops**

Develop and conduct a minimum of six (6) effective parent education workshops to enhance and to strengthen parents'/primary-care givers' capacities and skills focusing on child development for children 0-4.

In collaboration with neighborhood service providers, Team Leader will ensure that these workshops will not duplicate existing parent workshop offerings.

These workshops will be targeted to families residing in the South of Market.

- **Neighborhood Partnerships**

Agencies must propose a process that will support communication and outreach between service providers representing early care and education, family support and health services.

The final scope of services in a SRI Project grant award shall be negotiated between the SFCFC and successful applicants.

Staff model

Proposals must demonstrate the agency's capacity to recruit, supervise and support qualified SRI staff, and to integrate staff into existing Agency's activities. Applicants may propose to employ additional staff as needed.

Proposals must describe plans to deliver services and programs that are sensitive to families' strengths, needs, context, and culture.

Staff Capacity

Proposals must document a plan to incorporate the Team Leader into the Agency's organizational structure.

The School Readiness Team Leader must meet the following criteria:

- A Bachelor's degree from an accredited college, or university in Child Development, Early Childhood Education, or a related field.
- Experience working with families and young children.
- Experience working with diverse populations.

Proposals must identify current agency staff that will contribute to the delivery of SRI services. Proposals may include an organizational chart.

If subcontractors will be needed, proposals must describe key personnel from each subcontractor. In addition, proposals must include a description of subcontractor(s)'s qualifications, including relevant experience as it relates to their role in the SRI project. Proposals must include a statement of their availability to work on the project.

Organizational Requirements

- **Insurance**
Successful applicants will be required to document proof of Liability Insurance, including Commercial, Automobile and Workers' Compensation.
- **Accreditation**
The selected agencies are expected to maintain appropriate certifications, licenses, and accreditations. Applicants are encouraged to document relevant agency-related or staff-related accreditations.
- **Service Delivery**
Agencies must demonstrate an understanding of the cultural and linguistic needs of the target populations.

The Commission will only accept proposals to create School Readiness activities whereby school readiness activities are accessible to children (0-5 years old) and their families.

Applicants are not required to be located in the target neighborhood, but must demonstrate how they will provide services in the South of Market - either through co-location of services or through collaborative efforts.

In addition, agencies must provide evidence of their capacity to serve children at risk of developmental delay due to physical, mental, social, and/or developmental impairment. The Commission expects to fund agencies that assist families overcome risks and promote their strengths and resiliency.

- **Program monitoring**

Successful applicants must agree to work with the Commission to supply necessary documentation of activities and to contribute to evaluation activities as developed by the Commission.

Proposals must describe a commitment to program and process evaluation to document achievement of SRI objectives. Agencies must demonstrate how they will involve community stakeholders in assessing school readiness strategies and services.

Complete the Accountability Worksheet (Attachment 2) and include it as an attachment. Applicants are required to complete the “Activities”, “Performance Measurement”, “Objective”, and “Methods and Timeline for Documentation” columns.

- **Evaluation**

Initiative activities will be evaluated by the Commission.

Agencies must demonstrate a commitment to the objectives of the SFCFC SRI Project, and the ability to contribute to SFCFC’s evaluation of the SRI.

- **Nondiscrimination**

The qualifying grantee will be required to comply with all applicable provisions of Chapters 12B and 12C of the San Francisco Administrative Code (City and County of San Francisco Human Rights Commission (HRC)). The qualifying grantee will be required to execute the “Chapter 12B Declaration: Nondiscrimination in Contracts and Benefits” (form HRC-12B-101) with supporting documentation and to secure the approval of the form by HRC. Information regarding the HRC and its provisions may be researched at http://www.sfgov.org/site/sfhumanrights_index.asp.

- **General agency qualifications**

The qualifying grantee may be a public or non-profit institution or organization, and must demonstrate relevant experience in planning, developing, and delivering high-quality family support services.

Proposals must describe the history, mission, service delivery system, and qualifications of the applicant organization (the primary grantee), presenting information according to the areas identified in the scope of work. Provide examples of experience that most closely match the objectives of the Commission’s SRI project, including any in-kind contributions to the SRI.

If agencies plan to employ subcontractors, proposals must describe the qualifications of collaborative partners (subcontractors) as they relate to their role in the project and the objectives of the Commission's SRI project.

Faith based organizations may apply. Active participation in the faith cannot be a prerequisite for individuals receiving services utilizing Proposition 10 dollars. An organization may apply as a single entity or as the lead agency for a collaborative effort.

The applicant must be located in San Francisco and must serve residents of the City and County of San Francisco.

Successful applicants will be required to comply with policies and/or recommendations described in Attachments 4, 5 and 6.

Grant Term

For this RFQ, SFCFC funding will not exceed \$304,080 over three years. Grants will be made for one-year, and will be renewable for two additional years. Continuing funding will only be available to applicants who demonstrate success in achieving program goals and objectives as evidenced by required reports, evaluation and/or site visits. Although the Commission acknowledges that some activities may take longer than one year for completion, initiatives should be designed to have some measurable impact during the first year.

Agencies must demonstrate appropriate and cost-effective use of Commission funds. School Readiness Initiative funds may only support activities serving San Francisco's children 0 – 5 years old and their families.

The SFCFC reserves the right to negotiate the terms and conditions of the award, including the amount of funding. The initial contract period will be twelve months from the date of award. These funds may not supplant existing federal, state, or local revenue sources. Funds should be used to fund service expansions or enhancements.

The Commission will work with successful applicants to ensure that services funded through this RFQ will be sustainable over time with other resources, as the Commission's revenues continue to decline.

Non-Mandatory Letter of Intent

Organizations intending to submit a proposal may submit a Letter of Intent, so it is received by Commission staff on **September 10, 2003 (5:00 p.m.)**, indicating that they intend to submit a proposal in response to this RFQ.

The Letter of Intent must be the **original**, not a copy, and must include:

- Presentation on the applicant's letterhead with the applicant's name, address, telephone, fax number, and e-mail address, if one is available
- A brief description of the project
- A statement of the RFQ being applied for:
Request for Qualifications (RFQ) RFQ #16
- The approximate amount being requested.
- The Letter of Intent should be no longer than two (2) pages, and must be signed by an official representative of the organization.

Letters of Intent are to be mailed or hand delivered to the following address:

Camilo Otero, Program Officer
San Francisco Children and Families Commission
1390 Market Street, Suite 318
San Francisco, CA 94102

A proof of receipt will be date stamped by the Commission and attached to each Letter of Intent received. The Commission will give a receipt to the carrier or person making a personal delivery, if requested. This receipt constitutes the only proof of receipt. Letters of Intent that are not received by the date and time specified above will be returned unopened.

Submission Instructions

Delivery of Proposals

Interested parties should submit one (1) original and seven (7) copies of the proposal. Proposals must be typed with one-inch margins and single-spaced.

Staple or clasp each copy of the proposal set (narrative plus attachments) in the upper left-hand corner. It is not necessary to bind or use a 3-ring binder.

Proposals can be mailed or hand delivered but regardless of the postmark date must be received by the Commission by **September 18, 2003 (5:00 p.m.)**.

Mail or hand deliver 1 original and 7 copies of the proposal sets to:

RFQ #16 - SRI

Camilo Otero

Program Officer

San Francisco Children and Families Commission

1390 Market Street, Suite 318

San Francisco, CA 94102

Proposal Content

- Coversheet: Complete the information requested in the Coversheet. The contact information provided will be used by the Commission to communicate with applicants. (Attachment 1)
- Core Services: A detailed work plan describing agency's plan to deliver the services outlined on pages 3-4, agency's plan to meet staffing model and staff qualifications, and agency's plan to address the organizational requirements outlined on pages 5-7. The response should be no more than 10 pages, exclusive of the attachments.
- Budget / Budget Narrative Requirements: Create a line item budget for Year 1 – 3 and total project budget showing the amount and purpose of requested funds. Show other resources, including in-kind and matching funds, contributed or obtained by the applicant and subcontractors to support this project. If existing personnel or positions will be funded, describe why Commission funds are not supplanting current or past funding. Provide a narrative for any item in the budget whose purpose may not be obvious or immediately clear how it is tied to the objectives of the project. A budget format is attached (Attachment 3).
- Required Attachments:
 - a. Letters of Agreement – Include a letter of agreement from agencies that will be involved in this project. These letters must document agencies' level of commitment.
 - b. Financial Statement—Include a copy of the organization's last CPA audit or financial statements for the most current period available. (Note: in large institutions, a Departmental audit will be sufficient.)
 - c. Attachment 1 - Cover Sheet
 - d. Attachment 2 - Accountability Worksheet
 - e. Attachment 3 - Budget and Budget Narrative
 - f. Proof of non-profit status – Internal Revenue Service (IRS) letter.

PROPOSAL EVALUATION AND CONTRACT AWARD PROCESS

Review of Proposals

Proposals will be reviewed by a panel selected by the Commission staff. Representatives from applicants whose submissions are recommended by the panel may be invited to participate in an interview process to select finalists with which to pursue contract negotiations. Upon completion of the review period, the SFCFC shall notify those submitters whose proposals will be considered for further evaluation and negotiation.

All protests to this solicitation must be received by the Commission within seven (7) days of the date the intent to award is issued. Protests shall be in writing, shall provide a contact name, agency name, project, address, and telephone numbers of the protesting party, and shall identify and explain the grounds for the protest. The protest shall include and attach any written materials that the protesting party wishes to have considered in determining the protest.

Protests and all accompanying materials must be received at the San Francisco Children and Families Commission, 1390 Market Street, Suite 318, San Francisco, CA 94012.

The San Francisco City and County City Attorney will review submitted protests and forward those with possible merit to the San Francisco Children and Families Commission's Budget Committee for resolution.

Any protest that is not submitted as provided herein shall be invalid and shall not be considered. All decisions by the Commission will be final.

Proposals will be evaluated and ranked on the following criteria:

- Experience in planning, organizing and delivering appropriate support services to children (0-5) and their families;
- Experience in working collaboratively with agencies serving children (0-5) and their families;
- Experience in providing culturally and linguistically appropriate services;
- Quality of work plan and commitment to SRI objective;
- Appropriate and cost-effective utilization of Prop. 10 funds;
- Agency's capacity to incorporate SRI activities into its current activities; and
- Agency's plans to sustain SRI activities beyond Commission funding.

MISCELLANEOUS INFORMATION

Issuance of this RFQ does not constitute a commitment by the Commission to award a contract. The Commission reserves the right to reject any or all proposals received in response to this RFQ, or to cancel this RFQ if it is in the best interest of the Commission to do so.

Actual award of funding is dependent on a successful grant negotiation. If a grant agreement cannot be completed within a reasonable time frame, determined by the Commission, the Commission may terminate negotiations and pursue an agreement with a different partner.

Applicants submitting a proposal agree that by submitting a proposal they authorize the Commission to verify any or all information given in the proposal.

The award of a contract by the Commission to an organization which proposes to use subcontractors for the performance of work under the contract resulting from this RFQ should not be interpreted to limit the Commission's right to approve subcontractors.

The Commission reserves the right, after contract award, to amend the resulting contract as needed throughout the term of the contract to best meet the needs of all parties.

The applicant will comply with all requirements of the City and County of San Francisco grantees.

PROPOSAL COVER SHEET

Please use this form for your front cover.

**SAN FRANCISCO CHILDREN AND FAMILIES COMMISSION
 School Readiness Initiative (SRI) -
 School Readiness Team Leader for
 South of Market Neighborhood/Bessie Carmichael ES
 Request for Qualifications (RFQ)
 RFQ #16**

FY 2003 - 2004

Complete the Proposal Cover Sheet
 This will serve as the front cover of your proposal.
 An official authorized to bind the entity must sign it.

Name of Agency/Organization	
	Telephone Number
Program Contact/Title	Telephone Number
Alternate Contact/Title	Telephone Number
Agency Address	FAX Number
Amount of Grant Application Request	\$
Name of Agency Director	
Signature of Agency Director	
Name of the President of the Board of Directors	
Signature of President of the Board of Directors	

Application Deadline:

September 18, 2003 (5:00 p.m.)

San Francisco Children and Families Commission
 1390 Market Street, Suite 318
 San Francisco, CA 94102

Accountability Worksheet

Instructions:

The California Children & Families Commission requires County Commissions to connect funding to a framework of goals and objectives, and to create concrete ways of measuring results.

As part of this process, we expect to work with all funded partners to track activities and results. The following information defines how the San Francisco Children & Families Commission (SFCFC) will measure the impact of School Readiness activities.

Implementation Plan and Accountability Worksheet Definitions

Step One: Describe Activities

In your Project Narrative, you described the activities you will create with the School Readiness Initiative funding. In the chart below, assign each of these activities to one of the objectives. What activities will families and children experience at your program(s)?

Step Two: Performance Measures

The accountability framework describes how the Commission will concretely measure the success of each activity. In addition to knowing how many children or families will be served, the Commission needs to know whether they were served well. Performance measures are ways of assessing the satisfaction clients have with programs or the progress children show as a result of some activity. For each activity, applicants may describe additional plans to assess the proposed activities.

Step Three: Describe Data Sources, Methods for Collecting Data

Tell us how you will collect the information for each performance measure. How will you gather feedback from clients? How will you know when children and their families have shown improvement in a specific area as a result of a School Readiness activity?

School Readiness Initiative Accountability Worksheet

1. Children are well prepared for entry into schools and schools are ready to help them make that transition.

Core Services	Activities (Please describe plans to implement SRI activities.)	Performance Measurement	Objective	Methods and Timeline for Documentation
Neighborhood Partnerships			1	
Home visits/ outreach			1	

School Readiness Workshops – Kindergarten Readiness Workshops			1	
School Readiness for the Community Workshops			1	

Budget Request Form

Year 1

Program Expenses						
Personnel	Salary Range	FTE	Amount Requested	Funding from other Sources- Cash	Funding from other Sources In-Kind	Total
A.						
B.						
C.						
D.						
E.						
F.						
Benefits @ _____%						
Subtotal Personnel						

Operating Expenses	Amount Requested	Funding from Other Sources- Cash	Funding from Other Sources In-Kind	Total
A. Rent				
B. Office Support (telephone, copying)				
C. Equipment Lease				
D. Travel				
E. Evaluation Expenses				
F. Training/ Conferences				
G. Insurance				
H. Consultants (if any)				
I. Other (please specify)				
Subtotal Operating Expenses				
Indirect Costs @ ____% of Personnel (May not exceed 15%)				

Budget Total				
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Please identify any in-kind support such as volunteers (identify roles of these volunteers), donated space, equipment etc. that are available to support this project. *The value of these items should be listed in the "Funding from Other Sources" column of the budget request form. If any of these funds are not secured yet, but are anticipated, please put an "NS" next to the amount.*

Budget Request Form

Year 2

Program Expenses						
Personnel	Salary Range	FTE	Amount Requested	Funding from other Sources- Cash	Funding from other Sources In-Kind	Total
A.						
B.						
C.						
D.						
E.						
F.						
Benefits @ _____%						
Subtotal Personnel						

Operating Expenses	Amount Requested	Funding from Other Sources- Cash	Funding from Other Sources In-Kind	Total
A. Rent				
B. Office Support (telephone, copying)				
C. Equipment Lease				
D. Travel				
E. Evaluation Expenses				
F. Training/ Conferences				
G. Insurance				
H. Consultants (if any)				
I. Other (please specify)				
Subtotal Operating Expenses				
Indirect Costs @ ____% of Personnel (May not exceed 15%)				

Budget Total				
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Please identify any in-kind support such as volunteers (identify roles of these volunteers), donated space, equipment etc. that are available to support this project. *The value of these items should be listed in the "Funding from Other Sources" column of the budget request form. If any of these funds are not secured yet, but are anticipated, please put an "NS" next to the amount.*

Budget Request Form

Year 3

Program Expenses						
Personnel	Salary Range	FTE	Amount Requested	Funding from other Sources- Cash	Funding from other Sources In-Kind	Total
A.						
B.						
C.						
D.						
E.						
F.						
Benefits @ _____%						
Subtotal Personnel						

Operating Expenses	Amount Requested	Funding from Other Sources- Cash	Funding from Other Sources In-Kind	Total
A. Rent				
B. Office Support (telephone, copying)				
C. Equipment Lease				
D. Travel				
E. Evaluation Expenses				
F. Training/ Conferences				
G. Insurance				
H. Consultants (if any)				
I. Other (please specify)				
Subtotal Operating Expenses				
Indirect Costs @ ____% of Personnel (May not exceed 15%)				

Budget Total				
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Please identify any in-kind support such as volunteers (identify roles of these volunteers), donated space, equipment etc. that are available to support this project. *The value of these items should be listed in the "Funding from Other Sources" column of the budget request form. If any of these funds are not secured yet, but are anticipated, please put an "NS" next to the amount.*

Budget Request Form

Year 1, 2, and 3

Program Expenses			Amount Requested	Funding from other Sources- Cash	Funding from other Sources In-Kind	Total
Personnel	Salary Range	FTE				
A.						
B.						
C.						
D.						
E.						
F.						
Benefits @ _____%						
Subtotal Personnel						

Operating Expenses	Amount Requested	Funding from Other Sources- Cash	Funding from Other Sources In-Kind	Total
A. Rent				
B. Office Support (telephone, copying)				
C. Equipment Lease				
D. Travel				
E. Evaluation Expenses				
F. Training/ Conferences				
G. Insurance				
H. Consultants (if any)				
I. Other (please specify)				
Subtotal Operating Expenses				
Indirect Costs @ _____% of Personnel (May not exceed 15%)				

Budget Total				
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Please identify any in-kind support such as volunteers (identify roles of these volunteers), donated space, equipment etc. that are available to support this project. *The value of these items should be listed in the "Funding from Other Sources" column of the budget request form. If any of these funds are not secured yet, but are anticipated, please put an "NS" next to the amount.*

Insurance

The grant to be negotiated with the grantee contains language regarding insurance. The general types of insurance required are as follows: general liability, automobile liability (if applicable), professional liability (if applicable), workers compensation, fidelity bond, and certificate of insurance. Grants may be certified with insurance that expires during the grant period. It is the grantee's responsibility to monitor insurance expiration dates and to furnish SFCFC with renewal certificates in a timely manner. The City and County of San Francisco will withhold Grant payments during any period of lapsed insurance coverage. The grant requires that insurance requirements be met and maintained for the duration of the grant period.

**SAN FRANCISCO CHILDREN AND FAMILIES COMMISSION
TOBACCO – FREE POLICY**



Section 1. Definitions.

As used in this Policy the term:

“City” shall mean the City and County of San Francisco.

“Commission” shall mean the San Francisco Children and Families Commission.

“Contract” shall mean an agreement for grants to be provided, or for goods or services to be purchased out of the San Francisco Children and Families Trust Fund under the control of the Commission and does not include property grants, agreements entered into pursuant to settlement of legal proceedings, or contracts for a cumulative amount of \$5,000 or less per vendor in each fiscal year.

“Contractor” means any person or persons, firm, partnership, corporation, or combination thereof, who enters into a contract all or part of the funding of which comes from the San Francisco Children and Families Trust Fund.

“Director” shall mean the Executive Director of the San Francisco Children and Families Commission.

“Subcontract” shall mean an agreement to provide goods and/or services, including construction, labor, materials or equipment, to a contractor, if such goods or services are procured or used in the fulfillment of the contractor's obligations arising from a contract subject to this Policy.

“Subcontractor” means any person or persons, firm, partnership, corporation or any combination thereof, who enters into a subcontract with a contractor. Such term shall include any person or entity who enters into an agreement with any subcontractor for the performance of 10 percent or more of any subcontract.

Section 3. Tobacco-Free Policy

(a) Policy

Every contract awarded by the Commission shall incorporate by reference and require contractor to comply with the provisions of this section. In addition, all contractors must include or incorporate by reference in all subcontracts and require subcontractors to comply with the requirements of this Policy; failure to do so shall constitute a material breach of contract.

In the performance of a contract, the contractor or subcontractor shall agree as follows:

(1) Smoke-Free Workplaces

The Contractor shall prohibit smoking in its offices, automobiles or at Contractor-sponsored events located in the City and County of San Francisco.

(2) Tobacco Hazards Education and Smoking Cessation Referrals

The Contractor shall make available to clients, employees and community members educational materials, provided by the Commission, on the health hazards of tobacco.

The Contractor shall make available to clients, employees and community members, at the Contractor's offices and service delivery and event sites, information provided by the Commission, regarding smoking cessation services.

(3) Divestment

The Contractor shall divest from any investment in companies that, at the time the Contractor responds to a solicitation of bids from the Commission, derive more than 15 percent of their revenues from tobacco products.

(4) Disclosure of Tobacco Industry Funding

The Contractor shall report annually to the Commission the receipt of any moneys from a person, persons, firm, partnership, corporation, or combination thereof that derives more than 15 percent of its revenue from the production or sales of tobacco products. The report shall include the name of the entity, the amount received, the percentage of the agency's total budget the amount represents, the purpose of the contribution, and any efforts made to obtain alternative funding.

(b) Penalties

(1) Whenever the Director determines that a person or entity under contract with the Commission has violated any provision of the Tobacco-Free Policy described in section, the Director shall have the authority to impose such sanctions or take such other actions as are designed to ensure compliance with the provisions of this Policy which shall include, but are not limited to:

(A) Suspension or termination of a contract;

(B) Ordering the withholding of funds due the contractor under any contract with the Commission;

(C) Disqualification of a bidder or contractor from eligibility for providing commodities or services to the Commission for a period not to exceed five years, with a right to review and reconsideration by the Commission after two years upon a showing of corrective action indicating violations are not likely to reoccur.

(2) All contracts shall provide that in the event any contractor fails to comply in good faith with any of the provisions of this Article the contractor shall be liable for liquidated damages in an amount up to five percent of the contractor's net profit under the contract, or ten percent of the total amount of the contract dollars whichever is greater. All contracts shall also contain a provision whereby the contractor acknowledges and agrees that the liquidated damages assessed shall be payable to the Commission upon demand and may be set off against any monies due to the contractor from any contract with the Commission.

Section Four. Waivers and Exceptions

(a) Sole source.

The Director may waive the requirements of this Policy whenever the Director finds that the needed goods or services are available only from a sole source and the prospective contractor is not otherwise currently disqualified from doing business with the City, or from doing business with any governmental agency based on any contract compliance requirements.

(b) No qualified bidders who comply and service/project is essential to City/residents.

After taking all reasonable measures to find an entity that complies with the Policy, the Director may waive any or all of the requirements of this Policy for any contract or bid package advertised and made available to the public, or any competitive or sealed bids received by the Commission as of the date of the enactment of this Policy where the Director determines that there are no qualified responsive bidders or prospective contractors who could be certified by the Commission as being in compliance with the requirements of this Policy and that the contract is for goods, a service or a project that is essential to the City or City residents.

(c) Bulk purchasing arrangements through federal, state, regional or City entities.

The Director may waive the requirements of this Policy where the Director determines that transactions entered into pursuant to bulk purchasing arrangements through federal, State, regional or City entities that actually reduce the Commission's purchasing costs would be in the best interest of the Commission.

(d) Contract serves public benefit.

The Director may waive the requirements of this Policy where the Director determines that the benefit of the contract to the public and the Commission's ability to carry out its charge pursuant to state and local law outweigh the harm in the contractor's noncompliance with the Policy.

(e) Contractor is a public entity.

This Policy shall not apply where the prospective contractor is a public entity or City Commission and the Director finds that the proposed contract is necessary to serve a substantial public interest.

(f) Requirements violate public agency grant and good faith attempt has been made to change conditions of grant.

This Policy shall not apply where the Director finds that the requirements of this Policy would violate or be inconsistent with the terms or conditions of a grant, subvention or agreement with a public agency or the instructions of an authorized representative of any such agency with respect to any such grant, subvention or agreement, provided that the Director has made a good faith attempt to change the terms or conditions of any such grant, subvention or agreement to authorize application of this Policy.

(g) Retirement and Pension Plans

This Policy shall not apply to a contractor or subcontractor's investment of funds where the funds are held in trust for the benefit of employees or third parties.

(h) Federal or State law

This Policy shall be construed and applied so as not to conflict with applicable federal or State laws, rules or regulations.

Section 5. Effective Date

This policy shall apply to all contracts entered into on or after July 1, 2001.

Minimum Compensation for Employees

The grant to be negotiated with the grantee contains language regarding Compensation for Employees. Successful applicants will be required to comply fully with and be bound by all of the provisions of the Minimum Compensation Ordinance (MCO), as set forth in San Francisco Administrative Code Chapter 12P (Chapter 12P), including the remedies provided, and implementing guidelines and rules. The provisions of Chapter 12P are incorporated herein by reference and made a part of any Commission-funded Agreement as though fully set forth. The text of the MCO is available on the web at www.ci.sf.ca.us/MCO.